

## Message Text

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PAGE 01 GENEVA 07723 01 OF 07 191314Z  
ACTION OES-07

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LIMITED OFFICIAL USE SECTION 01 OF 07 GENEVA 07723

FOR OES/OFA, M.D. BUSBY

E.O. 11652: N/A  
TAGS: PLOS  
SUBJECT: TTPI LETTER TO AMBASSADOR RICHARDSON

1. FOLLOWING IS TEXT OF LETTER DATED MAY 15, 1978 FROM  
SENATOR NICK BOSSY, CHAIRMAN OF TTPI LOSDEL TO AMB.  
ELLIOT RICHARDSON: BEGIN TEXT:

DEAR MR. AMBASSADOR:

THERE ARE TWO SUBJECTS THAT MY DELEGATION WISHES  
TO TAKE UP WITH YOU AT THIS TIME, AND THROUGH YOU TO  
REQUEST RESPONSES FROM THE UNITED STATES GOVERNMENT.  
BEFORE DISCUSSING THOSE TWO SUBJECTS, HOWEVER, MY  
DELEGATION WISHES ME TO SAY SOMETHING TO YOU PERSONALLY.

EVER SINCE THE FORTUNES AND ACCIDENTS OF WAR MADE  
US THE "WARD", AND THE UNITED STATES THE "TRUSTEE", THE  
POLITICAL IDEALS AND IDEAS OF THE UNITED STATES HAVE  
PROGRESSIVELYBECOME THE BASIS OF OUR EDUCATION AND  
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PAGE 02 GENEVA 07723 01 OF 07 191314Z

OUR THINKING. OUR DEVELOPMENT IN POLITICAL SELF-  
GOVERNMENT HAS BEEN BASED ON THOSE IDEALS AND IDEAS.  
WE HAVE GIVEN OUR ALLEGIANCE TO THEM. WE APPLY THEM  
NOT ONLY TO OURSELVES, BUT ALSO AS A STANDARD OF HOW  
U.S. OFFICIALS SHOULD DEAL WITH US. SOME HAVE SAID  
THAT THE RESULTING DISAPPOINTMENTS WERE INEVITABLE. THEY  
SAY WE SUFFER THEM ONLY BECAUSE WE WERE "NAIVE" AND

HAD UNREALISTIC EXPECTATIONS.

WE CHOOSE NOT TO THINK SO. WE CHOOSE TO THINK THAT THE STANDARDS AND EXPECTATIONS WE HAVE OF U.S. OFFICIALS ARE RIGHT. WE CHOOSE TO THINK THAT THE MANNER AND MANNERS OF U.S. OFFICIALS DEALING WITH US THAT CONTRADICT THEM ARE WRONG. IT HELPS US TO RETAIN THIS VIEW WHEN WE MEET U.S. REPRESENTATIVES WHO ARE CANDID, THOUGHTFUL, AND UNDERSTANDING, REGARDLESS OF WHETHER WE CAN AGREE ON THE SUBSTANTIVE MATTER AT HAND. MY DELEGATION WISHES ME TO SAY TO YOU THAT THEY WERE VERY GLAD TO HAVE HAD THE TWO MEETINGS WITH YOU, IN JUNE OF 1977, AND EARLIER THIS MONTH, AND THAT IT CONFIRMS THEM IN THEIR EXPECTATIONS AND STANDARDS.

THE TWO SUBSTANTIVE ISSUES WE WISH TO DISCUSS ARE, FIRST, CONTRACTING PARTY STATUS FOR MICRONESIA IN THE UN CONVENTION ON THE LAW OF THE SEA; AND SECOND, ACTIONS RECENTLY TAKEN AND STILL MAINTAINED BY A PART OF THE U.S. GOVERNMENT -- THE FISHERIES NEGOTIATION TEAM OF THE DEPARTMENT OF STATE -- WHICH SEEK TO DENY US IN THE PACIFIC THE FREE SPEECH WE HAVE ENJOYED AND PRACTICED IN THE UN CONFERENCE FOR THE PAST FOUR YEARS. THESE ACTIONS SEEK TO DENY US THAT FREEDOM OF SPEECH IN PACIFIC REGIONAL FISHERIES CONFERENCES DESIGNED TO DRAW UP REGIONAL FISHERIES CONVENTIONS. THESE CONFERENCES LIMITED OFFICIAL USE

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PAGE 03 GENEVA 07723 01 OF 07 191314Z

AND CONVENTIONS ARE OF COURSE EVEN MORE IMPORTANT TO US IN SOME WAYS THAN THE UN CONFERENCE ITSELF.

WE BELIEVE THESE ACTIONS TO BE CONTRARY TO GENERAL UNITED STATES POLICY, VIOLATIVE OF OUR RIGHTS, AND UNWORTHY OF A GREAT GOVERNMENT. WE SEEK YOUR HELP, ON AN AUTHORITATIVE LEVEL, TO ASSURE THAT THE PRACTICES WE SHALL DISCUSS WILL CEASE.

#### 1. CONTRACTING PARTY STATUS FOR MICRONESIA

YOU ARE FAMILIAR WITH THE PROPOSAL INTRODUCED BY NEW ZEALAND ON MAY 11, 1978, CO-SPONSORED BY FIJI, NEW ZEALAND, PAPUA NEW GUINEA AND SURINAM (A/CONF. 62/64). THAT PROPOSAL GAVE SPECIFIC FORM TO THE MORE GENERAL PROPOSAL PREVIOUSLY NOTICED BY NAURU, SAMOA, AND TONGA, IN ADDITION TO THE ABOVE COUNTRIES (SEE A/CONF. 62/L.29).

YOU WILL RECALL THAT THIS PROPOSAL WAS SUPPORTED IN THE PLENARY ON MAY 5, 1978, BY ICELAND, AND BY OTHER DELEGATIONS THEN AND LATER. ALTHOUGH MOST DELEGATIONS WERE SILENT ON MAY 5, 1978, AND ONLY A FEW DELEGATIONS

TOOK THE FLOOR ON THIS ISSUE ON MAY 5 OR MAY 11, WE  
BELIEVE THAT A VERY FIRM CONSENSUS SUPPORTS OUR POSITION.

YOU WILL RECALL THAT BOTH IN THE NEW ZEALAND  
STATEMENT AND IN OUR OWN, AND IN THE STATEMENT OF ICELAND,  
STRESS WAS LAID ON THE FUNCTIONAL -- THAT IS, LEGISLATIVE  
OR CONSTITUTIONAL -- NECESSITY OF SUCH CONTRACTING  
PARTY STATUS FOR TERRITORIES THAT HAVE THE LEGISLATIVE  
COMPETENCE REQUIRED TO GIVE FULL EFFECT TO THE CONVENTION.  
(THAT IS ALSO THE GROUND ON WHICH THE NINE COUNTRIES  
OF THE EUROPEAN COMMUNITY SUPPORT CONTRACTING PARTY  
STATUS FOR THE EUROPEAN COMMON MARKET, SEPARATELY FROM

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PAGE 01 GENEVA 07723 02 OF 07 191322Z  
ACTION OES-07

INFO OCT-01 IO-13 ISO-00 DLOS-09 INT-05 SS-15 SP-02  
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LIMITED OFFICIAL USE SECTION 02 OF 07 GENEVA 07723

FOR OES/OFA, M.D. BUSBY

THE NINE MEMBER COUNTRIES.)

IN THIS CONNECTION, WE HAVE CONSULTED WITH THE  
GOVERNMENT PERHAPS MOST CONCERNED AT THIS CONFERENCE  
TO PREVENT AN UNWARRANTED EXTENSION OF CATEGORIES OF  
CONTRACTING PARTIES. WE UNDERSTAND, AUTHORITATIVELY,  
THAT THAT GOVERNMENT ACCEPTS THE PROPRIETY OF CONTRACTING  
PARTY STATUS FOR MICRONESIA, FOR THE EUROPEAN COMMON  
MARKET, AND FOR OTHER TERRITORIES HAVING LEGISLATIVE  
OR CONSTITUTIONAL COMPETENCE IN THE SUBJECT MATTER OF  
THE CONVENTION, FOR EXAMPLE THE COOK ISLANDS AND NIUE.

WE APPRECIATE YOUR PERSONAL STATEMENTS ON TWO  
OCCASIONS THAT SO FAR AS YOUR OWN RESPONSIBILITIES

IN NEGOTIATING FOR THE US AT THE UNCLOS ARE CONCERNED,  
YOU WOULD SEE NO DIFFICULTIES IN MICRONESIAN  
CONTRACTING PARTY STATUS, BUT THAT YOU COULD NOT SPEAK  
ON THIS MATTER FOR THE UNITED STATES GOVERNMENT AS A  
WHOLE, WHICH WAS STILL CONSIDERING ITS POSITION IN  
THE MATTER.

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PAGE 02 GENEVA 07723 02 OF 07 191322Z

WE NOTE THAT IN THE PLENARY DEBATE OF MAY 11, 1978,  
THE US REPRESENTATIVE DID NOT ADDRESS THE NEW ZEALAND  
PROPOSAL SUPPORTED BY OUR DELEGATION. HE ADDRESSED  
HIMSELF TO A DIFFERENT PROPOSAL, AND ENDED BY SAYING  
THAT THE UNITED STATES DID NOT BELIEVE THAT A BASIS  
EXISTS FOR AMENDING THE EXISTING INFORMAL DRAFT TEXT  
OF THE FINAL CLAUSES -- THAT IS, THE ACCESSION CLAUSE --  
"AT THE CURRENT SESSION".

WE VERY MUCH HOPE THAT THESE FOUR WORDS OF HIS  
STATEMENT WERE, AS FAR AS MICRONESIA AND ITS NEIGHBOR  
TERRITORIES IN THE PACIFIC ARE CONCERNED, THE MOST  
IMPORTANT ONES.

IN VIEW OF OUR CLEAR LEGISLATIVE COMPETENCE OVER  
THE MICRONESIAN 200 MILES ZONE AT THIS TIME, WE VERY  
MUCH HOPE THAT THE UNITED STATES WILL FIND WAYS AND MEANS  
BEFORE THE NEXT SESSION TO JOIN IN SUPPORT OF CONTRACTING  
PARTY STATUS FOR THE T.T.P.I.

2. ACTS OF US GOVERNMENT OFFICIALS INCONSISTENT WITH  
OUR RIGHTS

THE MATTERS HAVE INVOLVED REQUIRE ACTION VERY SHORTLY,  
IN BOTH THE RESUMED SOUTH PACIFIC FISHERIES AGENCY  
ORGANIZATIONAL MEETINGS AND IN THE TRUSTEESHIP COUNCIL  
MEETING IN NEW YORK. BECAUSE OF ITS IMPORTANCE TO US,  
AND BECAUSE OF ITS IMPLICATIONS FOR THE CREDIBILITY AND  
GOOD FAITH OF US POLICY STATEMENTS AND NEGOTIATIONS IN  
OTHER AREAS, WE REQUEST THAT YOU BRING THIS MATTER TO  
THE ATTENTION OF SECRETARY VANCE AS QUICKLY AS POSSIBLE.

SOME BACKGROUND WILL MAKE THIS MATTER MORE QUICKLY  
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PAGE 03 GENEVA 07723 02 OF 07 191322Z

UNDERSTANDABLE. OVER THE PAST SEVERAL YEARS, THE HEADS  
OF GOVERNMENT OF THE SOUTH PACIFIC FORUM COUNTRIES  
(AN ORGANIZATION CONSISTING OF THE SMALL COUNTRIES OF THE

PACIFIC, NOT INCLUDING THE US, UK OR FRANCE) HAD  
ISSUED TWO DECLARATIONS AFFIRMING THE SOVEREIGN RIGHTS  
OF COASTAL STATES OVER TUNA. THE LATEST SUCH DECLARATION,  
THE DECLARATION OF PORT MORESBY OF AUGUST 1977, CONTAINED  
THE FOLLOWING TWO PARAGRAPHS:

(PARAGRAPH 7) "THE MEMBERS OF THE SOUTH PACIFIC  
FORUM MEETING AT PORT MORESBY: DECIDE TO ESTABLISH  
A SOUTH PACIFIC REGIONAL FISHERIES AGENCY OPEN TO  
TO ALL FORUM COUNTRIES AND ALL COUNTRIES IN THE  
SOUTH PACIFIC WITH COASTAL STATE INTERESTS IN THE  
REGION WHO SUPPORT THE SOVEREIGN RIGHTS OF THE  
COASTAL STATE TO CONSERVE AND MANAGE LIVING RESOURCES;  
INCLUDING HIGHLY MIGRATORY SPECIES, IN ITS 200  
MILE ZONE."

IT WILL BE SEEN THAT STRICTLY SPEAKING, THE UNITED STATES  
WOULD OF NECESSITY BE EXCLUDED, BECAUSE OF ITS DOMESTIC  
LEGISLATION, WHICH PROHIBITS SUCH JURISDICTION TO ITS  
OWN GOVERNMENT AND DECLARES THAT THE US GOVERNMENT  
SHOULD NOT RECOGNIZE SUCH JURISDICTION IN OTHERS.

TO MEET THIS PROBLEM, AND YET TO INCLUDE THE VERY  
LARGE ZONES OF ISLANDS OR TERRITORIES UNDER SOME FORM OF  
POSSESSION. COLONIAL STATUS, OR INTERNATIONAL  
RESPONSIBILITY, THE DECLARATION WENT ON TO STATE:

(PARAGRAPH 12)"...: DRAW THE ATTENTION OF  
THE SOUTH PACIFIC CONFERENCE (I.E., SAME  
MEMBERSHIP AS FORUM, BUT, IN ADDITION, THE  
US, UK, AND FRANCE) TO THIS DECLARATION AND  
INVITE THE MEMBERS OF THE CONFERENCE TO  
CONSIDER ARRANGEMENTS WHEREBY GOVERNMENTS  
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PAGE 04 GENEVA 07723 02 OF 07 191322Z

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PAGE 01 GENEVA 07723 03 OF 07 191330Z  
ACTION OES-07

INFO OCT-01 IO-13 ISO-00 DLOS-09 INT-05 SS-15 SP-02

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LIMITED OFFICIAL USE SECTION 03 OF 07 GENEVA 07723

FOR OES/OFA, M.D. BUSBY

AND TERRITORIES IN THE REGION WITH A COMMON  
INTEREST AS COASTAL STATES CAN PARTICIPATE  
WITH MEMBERS OF THE FORUM IN THE CONSERVATION  
AND MANAGEMENT OF THE LIVING RESOURCES OF THE  
REGION."

THUS THE US, UK AND FRANCE ASKED TO "CONSIDER  
ARRANGEMENTS" WHEREBY "TERRITORIES IN THE REGION" CAN  
"PARTICIPATE" WITH MEMBERS OF THE FORUM IN REGULATING  
TUNA.

THAT DESCRIPTION WELL FITS THE METHOD WHEREBY THIS  
DELEGATION HAS FUNCTIONED FOR FOUR YEARS IN THIS UN  
CONFERENCE. THE "ARRANGEMENT" IS THAT WE FUNCTION AS  
AN OBSERVER DELEGATION, SO THAT WE CAN TAKE POSITIONS  
THAT ARE DIFFERENT FROM AND IN CONFLICT WITH THOSE OF  
THE UNITED STATES, PARTICULARLY ON TUNA.

THE INVITATION EXTENDED TO THE US, UK AND FRANCE  
QUOTED THE ABOVE TWO PARAGRAPHS FROM THE DECLARATION  
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PAGE 02 GENEVA 07723 03 OF 07 191330Z

OF HEADS OF GOVERNMENT, AND INCLUDED ALSO THE FOLLOWING  
FROM THE DIRECTOR OF THE STAFF OF THE ORGANIZATION  
CONVENING THE CONFERENCE:

IT WAS THE HOPE OF FORUM COUNTRIES THAT  
YOUR DELEGATION TO THE PREPARATORY MEETING  
WOULD INCLUDE OFFICIALS FROM YOU NON-SELF  
GOVERNING TERRITORIES IN THE REGION WHO  
WILL BE CONCERNED WITH CONSERVATION AND  
MANAGEMENT OF LIVING RESOURCES INCLUDING  
HIGHLY MIGRATORY SPECIES IN AN EXTENDED  
FISHING ZONE. IT WAS ALSO THEIR HOPE THAT  
YOUR GOVERNMENT WOULD CONSIDER WAYS AND  
MEANS WHEREBY THESE COUNTRIES IN THE

REGION COULD PARTICIPATE THROUGH THE AGENCY  
IN THE CONSERVATION AND MANAGEMENT OF HIGHLY  
MIGRATORY SPECIES....."

"I HAVE ACCORDINGLY SENT DIRECTLY TO YOUR  
TERRITORIAL ADMINISTRATIONS A COPY OF THE  
DECLARATION WITH A LETTER EXPRESSING THE  
HOME THAT THEY WILL BE ABLE TO TAKE PART  
IN THE MEETING THROUGH YOUR DELEGATION.  
A COPY OF MY LETTER IS ATTACHED. I HAVE  
SENT THIS LETTER TO: AMERICAN SAMOA, FRENCH  
POLYNESIA, GUAM, MICRONESIA, NEW CALEDONIA,  
NEW HEBRIDES, PITCAIRN ISLAND, OFFICE OF  
TOKELAU AFFAIRS -WESTERN SOMOA, WALLIS AND  
FUTUNA."

IT WILL BE SEEN FROM THE ABOVE THAT THE LETTER OF  
INVITATION, IN REFERRING TO "YOUR NON-SELF GOVERNING  
TERRITORIES" AND "YOUR TERRITORIAL ADMINISTRATIONS",  
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PAGE 03 GENEVA 07723 03 OF 07 191330Z

AND IN LISTING THE TERRITORIES IN QUESTION, INCLUDED  
MICRONESIA WITHOUT DISTINGUISHING THE FACT THAT IT IS  
NOT "YOUR" TERRITORY (SPEAKING TO THE UNITED STATES).  
IT IS A TRUST TERRITORY WITH A DIFFERENT STATUS FROM  
THAT OF THE OTHER TERRITORIES LISTED. THIS LAPSE OF  
FORM OR TECHNICAL DISTINCTION WAS CLEARLY UNIMPORTANT,  
THE CONTEXT BEING VERY CLEAR, AND THE QUOTED PORTIONS  
OF THE DECLARATION OF THE HEADS OF GOVERNMENT OF THE  
FORUM COUNTRIES BEING VERY CLEAR AS WELL.

MICRONESIA'S ZONE REPRESENTS ABOUT 25 PER CENT OF  
THE TOTAL AREA IN CONTEMPLATION. THE SIMPLE AND OBVIOUS  
RESPONSE BY THE UNITED STATES, WE WOULD HAVE THOUGHT,  
SO FAR AS MICRONESIA WAS CONCERNED, WOULD HAVE BEEN  
THE FOLLOWING:

'SO FAR AS MICRONESIA IS CONCERNED, THE WAYS AND  
MEANS, AND ARRANGEMENTS, YOU ASK US TO CONSIDER HAVE  
ALREADY BEEN ADOPTED FOR THE UNCLOS, AND THE MICRONESIAN  
DELEGATION ON THE LOS WILL REPRESENT THE INTERESTS OF  
MICRONESIA AT YOUR REGIONAL CONFERENCE, IN THE SAME  
MANNER AS THEY DO AT THE UNCLOS, AND FOR THE SAME  
REASONS.'

THE WAYS AND MEANS CONSIDERED AND ADOPTED BY THE US  
FISHERIES NEGOTIATORS FROM THE DEPARTMENT OF STATE, HOW-  
EVER, APPEARED TO HAVE VERY DIFFERENT PURPOSES. INSTEAD  
OF THE ABOVE, WHAT THEY DID WAS TO BY-PASS THIS DELEGATION  
ENTIRELY.

INSTEAD OF INVITING THIS DELEGATION, THE FISHERIES  
NEGOTIATORS INVITED THE STATUS NEGOTIATING COMMISSIONS  
OF THE MARSHALLS AND PALAU, AND THE CONGRESS OF  
MICRONESIA, AT A STATUS NEGOTIATING MEETING IN MOLOKAI  
IN OCTOBER OF 1977.

COUNSEL FOR OUR DELEGATION, ATTENDING THAT MEETING  
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PAGE 04 GENEVA 07723 03 OF 07 191330Z

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PAGE 01 GENEVA 07723 04 OF 07 191346Z

ACTION OES-07

INFO OCT-01 IO-13 ISO-00 DLOS-09 INT-05 SS-15 SP-02  
EA-10 L-03 H-01 CIAE-00 INR-10 NSAE-00 INRE-00  
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LIMITED OFFICIAL USE SECTION 04 OF 07 GENEVA 07723

FOR OES/OFA, M.D. BUSBY

AS AN ADVISOR TO THE COMMITTEE ON FUTURE POLITICAL  
STATUS OF THE MICRONESIAN COMMISSION ON FUTURE POLITICAL  
STATUS AND TRANSITION, POINTED OUT THAT THE INVITATION  
SHOULD SURELY GO TO THE LOS DELEGATION. IN ANY CASE, HE  
POINTED OUT THE APPROPRIATE POSTURE IN WHICH ANY  
MICRONESIANS SHOULD ATTEND WOULD BE THE SAME POSTURE  
AS IN THE UNITED NATION CONFERENCE, THAT IS, AS  
INDEPENDENT OBSERVERS, IF NOT AS FULL PARTICIPANTS.

AFTER SOME HESITATIONS AND CONSULTATIONS, THE US  
FISHERIES NEGOTIATORS AT THAT STATUS MEETING TOOK THE  
FOLLOWING POSITION:



THE US WOULD NOT INVITE THE LOS DELEGATION. IT WOULD INVITE THE MEMBERS OF THE PALAU AND MARSHALLS STATUS NEGOTIATING GROUPS WHICH THE US HAD JUST RECOGNIZED, AND THE CONGRESS OF MICRONESIA. MICRONESIANS ATTENDING THE MEETING WOULD HAVE TO ATTEND AS MEMBERS OF THE US DELEGATION, BOUND BY "US DELGATION DISCIPLINE," THAT IS, BOUND TO TAKE NO POSITION INCONSISTENT WITH THE LIMITED OFFICIAL USE

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PAGE 02 GENEVA 07723 04 OF 07 191346Z

UNITED STATES POSITIONS IN ANY WAY AT THE CONFERENCE. FURTHER, THEY SAID, THIS SET OF CONDITIONS WAS NOT ONE IMPOSED BY THE UNITED STATES, BUT BY THE SPONSORS OF THE CONFERENCE. OVER SEVERAL EXPRESSIONS OF DISBELIEF THAT OUR NEIGHBOR IN THE PACIFIC WITH WHOM WE HAD BEEN DEALING AND COOPERATING IN THE OCEANIA GROUP AT UNCLOS IN THE PAST FOUR YEARS DID NOT WANT US TO SPEAK FREELY IN THE PACIFIC, THE US FISHERIES NEGOTIATORS INSISTED ON THESE POSITIONS.

WHEN SEVERAL SUGGESTIONS OF COMPROMISE WERE MADE -- FOR EXAMPLE THAT THE MICRONESIANS WOULD SPEAK UP FOR THEIR OWN POSITIONS ONLY IF THEY HAD NOT BEEN ABLE PREVIOUSLY TO WORK OUT A COMMON POSITION WITH THE UNITED STATES DELEGATION -- AGAIN THE ANSWER BY THESE OFFICIALS WAS ADAMANT:

MICRONESIANS COULD ONLY ATTEND AS PART OF THE US DELEGATION, UNDER US DISCIPLINE, AND UNABLE TO SPEAK IN ANY WAY FOR MICRONESIAN IDEAS THAT DIFFERED IN ANY WAY FROM THAT OF THE US DELEGATION'S POSITION.

NO AGREEMENT WAS REACHED. THE US INVITED THE PALAU AND MARSHALL COMMISSIONS, AND INCONSISTENTLY, THE CONGRESS OF MICRONESIA, BUT NOT THIS DELEGATION WHICH IS THE PROPER BODY. THE CONGRESS OF MICRONESIA DESIGNATED MEMBERS OF THIS DELEGATION AS ITS REPRESENTATIVES.

THUS, WHAT THESE FISHERIES NEGOTIATORS HAVE DONE ON BEHALF OF THE US GOVERNMENT IS TO SEEK TO TURN THE CLOCK BACK TO A TIME:

-- PRIOR TO THE ORGANIZATION OF THIS DELEGATION;

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PAGE 03 GENEVA 07723 04 OF 07 191346Z

-- PRIOR TO THE STATEMENT ON BEHALF OF MICRONESIA

THAT THIS DELEGATION MADE AS PART OF THE US DELEGATION  
AND WITH THE AGREEMENT OF AMBASSADOR JOHN R. STEVENSON  
IN CARACAS IN 1974, WHICH DIFFERED ON A FEW KEY ISSUES  
FROM THE US DELEGATION'S POSITION AND WHICH WAS IDENTIFIED  
TO THE CONFERENCE AS BEING DIFFERENT FROM THE US POSITION;

-- PRIOR TO THE SUBSEQUENT RECOGNITION BY THE UNITED  
STATES HERE AND IN THE UNITED STATES TRUSTEESHIP COUNCIL  
THAT THE BEST COURSE IS TO AGREE THAT MICRONESIANS SHOULD  
SPEAK FOR THEIR OWN CONFLICTING INTERESTS AS AN OBSERVER  
DELEGATION;

-- PRIOR TO THE ADOPTION OF OUR CONSTITUTION BY A  
CONSTITUTIONAL CONVENTION WHICH DECLARES OUR SEA RIGHTS;

-- PRIOR TO THE PASSAGE OF SEVERAL JOINT RESOLUTIONS  
OF OUR CONGRESS (THE LAST, ATTACHED HERETO, BEING A  
REACTION TO THE SUVA EVENTS ABOVE RELATED);

-- PRIOR TO REPEATED PLEDGES BY THE US IN THE  
TRUSTEESHIP COUNCIL THAT THE MICRONESIANS WOULD CONTINUE  
TO REPRESENT THEIR INTERESTS INDEPENDENTLY IN THE UNCLOS;

-- PRIOR TO THE RECOGNITION BY THE US OF OUR  
LEGISLATIVE COMPETENCE OVER OUR OWN SEA RIGHTS, IN  
OCTOBER 1977, THROUGH OUR 200 MILE FISHERY ZONE ACT; AND

-- PRIOR TO THE DECLARATION OF PRINCIPLES OF HILO,  
OF APRIL 1978.

WE BELIEVE MOST STRONGLY THAT THESE ACTS OF THESE  
US OFFICIALS ARE CONTRARY TO THE LAW AND THE SPIRIT OF  
THE ABOVE EVENTS AND CONSIDERATIONS GOVERNING OUR  
RELATIONS IN THE LAW OF THE SEA.

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PAGE 04 GENEVA 07723 04 OF 07 191346Z

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PAGE 01 GENEVA 07723 05 OF 07 191345Z  
ACTION OES-07

INFO OCT-01 IO-13 ISO-00 DLOS-09 INT-05 SS-15 SP-02  
EA-10 L-03 H-01 CIAE-00 INR-10 NSAE-00 INRE-00  
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LIMITED OFFICIAL USE SECTION 05 OF 07 GENEVA 07723

FOR OES/OFA, M.D. BUSBY

IF THE US DELEGATION TO SUVA WISHES TO INCLUDE IN ITS OWN DELEGATION MICRONESIANS OTHER THAN THIS DELEGATION, AS ADVISERS, IT WILL HAVE THE MEANS TO DO SO. WHATEVER MIGHT BE THE STATUS OF SUCH ADVISERS, THAT WOULD HAVE NOTHING TO DO WITH THIS DELEGATION OR ITS OR ITS LEGISLATIVE MANDATE WHICH IS TO REPRESENT MICRONESIA IN INTERNATIONAL CONFERENCES ON THE LOS AS AN INDEPENDENT BODY.

WE BELIEVE, HOWEVER, THAT THE WILLINGNESS OF THESE OFFICIALS TO RESORT TO TACTICAL MANEUVERS OF A MOST QUESTIONABLE KIND, IN THE COURSE OF WHICH THEY WERE WILLING TO INTRUDE UPON THE MOST SENSITIVE AND DIVISIVE ISSUE IN MICRONESIA --THE MATTER OF THE FUTURE UNITY OR DISMEMBERMENT OF MICRONESIA, WHICH IS INVOLVED IN THE "STATUS" MATTERS -- IS A GRAVE DISSERVICE TO THE KIND OF MUTUAL TRUST AND CANDOR WHICH MUST BE THE BASIS OF ANY ADEQUATE COOPERATION BETWEEN US IN THE FUTURE.

THE LAW OF THE SEA HAS BEEN A MATTER ON WHICH ALL LIMITED OFFICIAL USE

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PAGE 02 GENEVA 07723 05 OF 07 191345Z

MICRONESIANS COULD AGREE. THIS DELEGATION, WHICH INCLUDES PALAUAN AND MARSHALLESE MEMBERS, HAS BEEN MOST SCRUPULOUS IN CONDUCTING ITS DUTIES IN A "STATUS NEUTRAL" MANNER, SEEKING TO INSULATE THIS AREA FROM THE POLITICAL DIFFERENCES OF OPINION IN MICRONESIA.

IN ALL THESE RESPECTS, WE CALL UPON YOUR GOVERNMENT, THROUGH YOU, TO CORRECT THESE ABUSES AND TO ASSURE US THAT IN REGIONAL CONFERENCES ON THE LAW OF THE SEA, SUCH AS THE SOUTH PACIFIC REGIONAL FISHERIES AGENCY CONFERENCE, OUR RIGHTS AND OUR REPRESENTATION SHALL BE THE SAME AS IT IS IN THE UN CONFERENCE ITSELF.

YOURS RESPECTIVELY, NICK BOSSY

(ATTACHMENT)

BEGIN TEXT

SEVENTH CONGRESS OF MICRONESIA

SECOND REGULAR SESSION, 1978 S.J.R. NO. 7-65

A SENATE JOINT RESOLUTION

EXPRESSING UNEQUIVOCAL SUPPORT FOR AND ACCEPTANCE OF THE PRINCIPLE OF COASTAL SOVEREIGN JURISDICTION OVER THE CONSERVATION AND MANAGEMENT OF THE HIGHLY MIGRATORY SPECIES WITHIN MICRONESIA'S 200-MILE EXTENDED FISHERY ZONE AS ESTABLISHED BY 52 T.T.C. SECTION 54, AND ENDORSING THE PROPOSED ESTABLISHMENT OF THE SOUTH PACIFIC FISHERY AGENCY.

WHEREAS, THE SOUTH PACIFIC FORUM COUNTRIES IN THEIR SUVA DECLARATION OF OCTOBER 1976 PLEDGED THEIR COMMON SUPPORT FOR THE PRINCIPLE OF NATIONAL COASTAL STATE SOVEREIGNTY OVER THE CONSERVATION AND MANAGEMENT OF THE LIMITED OFFICIAL USE

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PAGE 03 GENEVA 07723 05 OF 07 191345Z

HIGHLY MIGRATORY SPECIES THAT CONSTITUTE THE MAIN FISHERY RESOURCE IN THE 200-MILE EXTENDED FISHERY ZONE OF MICRONESIA; AND

WHEREAS, THE FIRST MICRONESIAN CONVENTION ON THE LAW OF THE SEA IN NOVEMBER 1976 SUPPORTED AND ADOPTED THE SUVA DECLARATION; AND

WHEREAS, THE SOUTH PACIFIC FORUM COUNTRIES HAVE FURTHER DECLARED IN AUGUST 197 AT PORT MOESBY THAT A SOUTH PACIFIC FISHERY AGENCY SHOULD BE ESTABLISHED BY COUNTRIES ACCEPTING THE PRINCIPLE OF SUCH COASTAL STATE AUTHORITY OVER HIGHLY MIGRATORY SPECIES; AND

WHEREAS, THE GENERAL PRACTICE AND LAW AMONG COASTAL STATES WHO HAVE MIGRATORY SPECIES IN THEIR 200-MILE EXCLUSIVE ECONOMIC ZONE OR EXTENDED FISHERY ZONE IS TO ASSERT SUCH AUTHORITY AND THAT SUCH STATES HAVE IN FACT ASSERTED SUCH AUTHORITY IN THE SAME MANNER AS THE SOUTH PACIFIC FORUM COUNTRIES; AND

WHEREAS, THE CURRENT DOMESTIC LAW OF THE ADMINISTERING AUTHORITY DOES NOT PERMIT THE RECOGNITION BY THE EXECUTIVE BRANCH OF THE U.S. GOVERNMENT OF SUCH GENERALLY RECOGNIZED INTERNATIONAL PRACTICE AND LAW WITH RESPECT TO THE EXERCISE OF COASTAL STATE AUTHORITY AND JURISDICTION OVER HIGHLY MIGRATORY SPECIES, BUT THAT THE 52 T.T.C. -

FISHERY ZONES JURISDICTION - DOES PROVIDE FOR JURISDICTION  
BY THE MICRONESIAN MARITIME AUTHORITY OVER ALL SPECIES  
OF FISH AS TO WHICH SUCH JURISDICTION IS RECOGNIZED BY  
INTERNATIONAL LAW IN A 200-MILE ZONE AROUND THE  
MICRONESIAN ISLANDS; AND

WHEREAS, THE SOUTH PACIFIC FORUM COUNTRIES HAVE  
POINTED TO THE URGENCY OF ASSERTING CONSERVATION AND  
MANAGEMENT AUTHORITY OVER THE HIGHLY MIGRATORY SPECIES  
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PAGE 04 GENEVA 07723 05 OF 07 191345Z

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PAGE 01 GENEVA 07723 06 OF 07 191353Z

ACTION OES-07

INFO OCT-01 IO-13 ISO-00 DLOS-09 INT-05 SS-15 SP-02  
EA-10 L-03 H-01 CIAE-00 INR-10 NSAE-00 INRE-00  
DODE-00 PA-01 ICAE-00 NSCE-00 SSO-00 OIC-02 EUR-12  
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LIMITED OFFICIAL USE SECTION 06 OF 07 GENEVA 07723

FOR OES/OFA, M.D. BUSBY

IN MICRONESIAN EXTENDED FISHERY ZONE BECAUSE OF THE  
RAPIDLY INCREASING EXPLOITATION OF SUCH SPECIES BY DISTANT  
FISHING FLEETS FROM OTHER NATIONS, AND ARE MOVING  
RAPIDLY TO CREATE A SOUTH PACIFIC FISHERY AGENCY WHICH  
WOULD INCLUDE THE MICRONESIAN ISLANDS; AND

WHEREAS, IT IS OF VITAL IMPORTANCE TO MICRONESIAN  
THAT THE NATURE AND FUNCTION OF SUCH AGENCY REFLECT, TO  
THE MAXIMUM POSSIBLE EXTENT, THE NEEDS AND CIRCUMSTANCES  
OF MICRONESIA; AND

WHEREAS, THE DISTANT FISHING INTERESTS OF THE  
ADMINISTERING AUTHORITY, AND ITS DOMESTIC LEGISLATION,  
FORBIDDING TO THE EXCESSIVE BRANCH OF THE U.S. GOVERNMENT  
EXERCISE OR RECOGNITION OF COASTAL STATE SOVEREIGN  
AUTHORITY OVER HIGHLY MIGRATORY SPECIES, MAKE IT IMPOSSIBLE  
FOR THE ADMINISTERING AUTHORITY TO EXERCISE, ADVANCE OR  
PROTECT MICRONESIAN COASTAL STATE JURISDICTION OVER THE  
HIGHLY MIGRATORY FISH IN MICRONESIA'S 200-MILE  
EXTENDED FISHERY ZONE; AND

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PAGE 02 GENEVA 07723 06 OF 07 191353Z

WHEREAS, THE TRUSTEESHIP COUNCIL OF THE UNITED  
NATIONS HAS RECOGNIZED THAT MARINE RESOURCE INTERESTS  
MAY NOT BE CONSISTENT AS BETWEEN THE ADMINISTERING  
AUTHORITY AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS;  
AND

WHEREAS, AS A RESULT OF THESE DIFFERENCES OF INTEREST  
AND POLICY, THE MICRONESIAN DELEGATION ON THE LAW OF THE  
SEA HAS REPRESENTED THE TTPI AS A SEPARATE OBSERVER  
DELEGATION AT THE UN CONFERENCES ON THE LAW OF THE SEA,  
AND HAS THERE PROMOTED THOSE INTERESTS OF MICRONESIA  
THAT WERE INCONSISTENT WITH THE POSITION AND INTERESTS  
OF THE ADMINISTERING AUTHORITY; AND

WHEREAS, THE CONGRESS OF THE UNITED STATES HAS  
RECOGNIZED THESE CONSIDERATIONS AND, AT THE REQUEST OF  
THE CONGRESS OF MICRONESIA AND THE MICRONESIAN DELEGATION  
ON THE LAW OF THE SEA, HAS NOT APPLIED TO THE TRUST  
TERRITORY OF THE PACIFIC ISLANDS THE UNITED STATES  
CONSERVATION AND MANAGEMENT ACT OF 1976 WHICH FORBIDS  
JURISDICTION OVER HIGHLY MIGRATORY SPECIES ON A NATIONAL  
BASIS; AND

WHEREAS, THAT ACTION BY THE U.S. CONGRESS LEFT NO  
LAW APPLICABLE BETWEEN 1976 AND 1977 TO THE MARINE SPACE  
OF MICRONESIA BEYOND THE 12-MILE EXCLUSIVE FISHERY ZONE  
AROUND THE MICRONESIAN ISLANDS; AND

WHEREAS, THE CONGRESS OF MICRONESIA IN AUGUST OF  
1977 PASSED THE MICRONESIA FISHERY ZONES JURISDICTION LAW  
WHICH ASSERTS COMPLETE FISHERY JURISDICTION FOR 200 MILES  
AROUND THE MICRONESIAN ISLANDS TO THE FULL EXTENT  
RECOGNIZED BY INTERNATIONAL LAW AND IN THE SAME MANNER  
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PAGE 03 GENEVA 07723 06 OF 07 191353Z

AS SIMILAR DOMESTIC LAWS OF OTHER NATIONS, AND THE  
ADMINISTERING AUTHORITY HAS RECOGNIZED THE COMPETENCE OF  
THE CONGRESS OF MICRONESIA TO PASS SUCH LEGISLATION, AND  
HAS HAD IT SIGNED AND APPROVED AS PUBLIC LAW NO. 7-71  
(TITLE 52 OF THE TRUST TERRITORY CODE); AND

WHEREAS, THAT 52.T.T.C. SECTION 58 PROVIDES A  
PROCEDURE WHEREBY DISTRICT LEGISLATURES IN MICRONESIA  
MAY SUCCEED TO THAT COMPETENCE BY APPROPRIATE LEGISLATION  
OF THEIR OWN; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE OF THE SEVENTH CONGRESS  
OF MICRONESIA, SECOND REGULAR SESSION, 1978, THE HOUSE  
OF REPRESENTATIVES CONCURRING THAT:

1. IT IS THE SENSE OF THE CONGRESS TO SUPPORT THE  
DECLARATION OF PORT MORESBY OF THE SOUTH PACIFIC FORUM  
OF AUGUST 1977, AND THE PRINCIPLES SET FORTH HEREIN.

2. IT IS THE SENSE OF THE CONGRESS THAT COOPERATION  
BETWEEN MICRONESIA AND ITS PACIFIC NEIGHBORS IN THE  
PROTECTION OF THEIR RESPECTIVE COASTAL STATE RIGHTS,  
AND OF THE RESOURCES IN THEIR RESPECTIVE MARINE SPACES,  
SHOULD BE CARRIED FORWARD SO AS TO PROMOTE AND PROTECT  
MICRONESIAN MARINE RESOURCE RIGHTS AND AUTHORITY TO THE  
MAXIMUM POSSIBLE EXTENT.

3. IT IS THE SENSE OF THE CONGRESS THAT THE  
MICRONESIAN DELEGATION ON THE LAW OF THE SEA SHOULD  
CONTINUE TO REPRESENT THE TRUST TERRITORY OF THE PACIFIC  
ISLANDS AND THE CONGRESS OF MICRONESIA AT THE UNITED NATION  
CONFERENCE ON THE LAW OF THE SEA AND AT ANY REGIONAL  
CONFERENCES CONCERNED WITH MARINE RESOURCES SUCH AS THE  
SOUTH PACIFIC FISHERY AGENCY CONFERENCE OR MEETING, AND  
SHOULD CONTINUE TO GIVE EFFECT TO HOUSE JOINT RESOLUTION  
NO. 6-180, 6TH CONGRESS OF MICRONESIA, SECOND REGULAR  
SESSION, 1976, AND THE DECLARATION OF THE FIRST  
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PAGE 04 GENEVA 07723 06 OF 07 191353Z

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PAGE 01 GENEVA 07723 07 OF 07 191357Z

ACTION OES-07

INFO OCT-01 IO-13 ISO-00 DLOS-09 INT-05 SS-15 SP-02

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FOR OES/OFA, M.D. BUSBY

MICRONESIAN CONVENTION ON THE LAW OF THE SEA IN  
NOVEMBER 1976.

4. IT IS THE SENSE OF THE CONGRESS THAT THE  
MICRONESIAN DELEGATION ON THE LAW OF THE SEA SHOULD DO  
SO ON A BASIS PERMITTING THE FULL AND FREE PRESENTATION  
OF MICRONESIAN IDEAS AND THE FULL AND FREE PROTECTION  
OF MICRONESIAN INTERESTS, ESPECIALLY WHERE THESE MAY BE  
INCONSISTENT WITH THOSE OF THE ADMINISTERING AUTHORITY,  
AND SHOULD IN ALL RESPECTS PROMOTE COOPERATION WITH  
MICRONESIA'S PACIFIC NEIGHBORS IN PROTECTING AND  
ADVANCING THEIR RESPECTIVE MARINE RESOURCE RIGHTS AND  
AUTHORITY, AND WHEREVER THEIR INTERESTS MAY BE  
CONSISTENT, TO COOPERATE ALSO WITH THE ADMINISTERING  
AUTHORITY.

5. IT IS IN THE SENSE OF THE CONGRESS THAT THE  
MICRONESIAN LAW OF THE SEA DELEGATION SHOULD PREPARE  
FORTHWITH AND SUBMIT FOR CONGRESSIONAL REVIEW FURTHER  
LEGISLATION TO SAFEGUARD ALL OTHER RESOURCE RIGHTS  
IN MICRONESIAN MARINE SPACE, IN THE FORM OF LEGISLATION  
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PAGE 02 GENEVA 07723 07 OF 07 191357Z

CONFORMING TO INTERNATIONAL LAW AND PROTECTING  
MICRONESIA'S RIGHTS TO AN EXCLUSIVE ECONOMIC ZONE.

6. IT IS THE SENSE OF THE CONGRESS THAT THE  
PACIFIC NEIGHBORS OF MICRONESIA AS WELL AS THE ADMINISTERING  
AUTHORITY, THE TRUSTEESHIP COUNCIL OF THE UNITED NATIONS,  
THE UN CONFERENCE ON THE LAW OF THE SEA, AND THE NATIONS  
OF THE WORLD SHOULD BE REQUESTED, AND HEREWITH ARE URGED  
TO GIVE FULL COOPERATION AND ASSISTANCE TO MICRONESIA  
TO ACHIEVE THESE AIMS AND ACTIONS.



BE IT FURTHER RESOLVED THAT A CERTIFIED COPY  
OF THIS JOINT RESOLUTION BE TRANSMITTED TO SECRETARY  
OF THE INTERIOR; SECRETARY OF STATE; THE OFFICE OF  
MICRONESIAN STATUS NEGOTIATIONS; THE TRUSTEESHIP COUNCIL  
OF THE UNITED NATIONS; UN CONFERENCE ON THE LAW OF  
THE SEA; SIGNATORIES TO THE OCTOBER 1976 SUVA DECLARATION;  
SIGNATORIES TO DECLARATION OF THE SOUTH PACIFIC FORUM  
OF AUGUST 1977; THE CHAIRMAN OF MICRONESIAN LAW OF THE  
SEA DELEGATION; AND THE HIGH COMMISSIONER OF THE TRUST  
TERRITORY OF THE PACIFIC ISLANDS.

DATE: FEB. 1978

END TEXT.

RICHARDSON

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## Message Attributes

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**Draft Date:** 19 may 1978  
**Decaption Date:** 01 jan 1960  
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**Disposition Approved on Date:**  
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**Disposition Comment:** 25 YEAR REVIEW  
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**Original Handling Restrictions:** n/a  
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**To:** STATE  
**Type:** TE  
**vdkgvwkey:** odbc://SAS/SAS.dbo.SAS\_Docs/5d4b8c9a-c288-dd11-92da-001cc4696bcc  
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